

Drug and Alcohol Abuse

***A Parent/Child
Guide to
Michigan Law***

Dear Parents,

Guiding our children to a happy and healthy adulthood is sometimes a challenge—especially when we are confronted with a nationwide epidemic of substance abuse. What can we do about it? As parents, we have the responsibility of taking an active and involved part in educating our children so that they can make their own choices for a healthy life-style.

This parent/child guide to Michigan law was created to answer some commonly asked questions about drug and alcohol abuse and, hopefully, to assist parents and their children to communicate more effectively. If you have a different question or a problem not discussed here, there are several good resources listed at the end of this guide. These agencies may be able to answer your questions and give you and your children the support you need to abolish a substance abuse problem.

We want our children to have a happy, healthy, and drug-free childhood. They deserve our support and they need our love. Take a moment to review this material to find out what you can do about drug and alcohol abuse.

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Prepared by the
Michigan Legislature

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PEER PRESSURE



A Message to Kids:

What Is Peer Pressure?

Everyone, no matter how old they are, cares what other people think and wants to fit in with the people they know, especially their friends. When you are just starting to feel independent, the influence of people about your age – your peers – is especially powerful and can affect the way you feel, act, dress and behave. This influence is called peer pressure.

Reasons Why People Use Drugs & Alcohol

People try drugs and alcohol because they are curious or because it may seem like everyone else is trying them. They may feel that taking drugs will make it easier to talk to people or will help them escape their problems. When you feel as though you won't be liked for yourself unless you use drugs alcohol you just end up feeling worse. Taking drugs and alcohol never solves problems; in fact, it can even create problems that weren't there before. Why take a chance?

So remember, you have the right to say "no" to drugs and alcohol. Be smart. It's good to think about what you might say if you're ever faced with this negative situation. The following are some suggestions on how to do this.

- **Be Prepared for Different Kinds of Pressure.**

There are different levels of peer pressure. It can start out friendly or teasing; if so, you can respond the same way. If the pressure seems threatening, then you might just have to walk away.

- **Make it Simple.**

You don't have to explain why you don't want to use marijuana if you don't want to. You can just say, "No, thanks." If that doesn't work, you can always say, "No, thanks again" or even stronger, "No way."

- **Avoid the Situation.**

If you see or know of places where people often use drugs, stay away from those places. If you hear that people will be using drugs at a party, don't go.

- **Hang Out With Friends Who Don't Use Drugs.**

Sometimes, however, you may already have friends who decide to try marijuana. If they are real friends, they will like you whether you smoke pot or not. And maybe, by saying no, you might make them think twice about using drugs themselves. That's how peer pressure can be positive, too.

Questions Parents Ask:

How do I help my children build that resistance to abusing drugs and alcohol?

You've probably already started. You're raising your children with love, guidance and support; so you're well on the way to helping prevent drug abuse. Strong family support helps children develop the personal values and self-confidence they need to resist peer pressure to use drugs. It is important to realize, however, that despite your efforts, peer pressure can still have a strong influence on your child.

How can I tell if my child is abusing drugs or alcohol?

If you find alcohol, drugs, or drug paraphernalia in your child's possession, there's a strong probability that your child is using drugs. Certain behaviors also can warn you that your child may be involved with drugs:

- **Abrupt change in mood or attitude**
- **Sudden decline in attendance or performance at work or school**
- **Sudden resistance to discipline at home or school**
- **Impaired relationship with family or friends**
- **Ignoring curfews**
- **Unusual flare-ups of temper**
- **Increased borrowing of money from parents or friends; stealing from home, school or employer**
- **Associating with a new group of friends, especially with those who use drugs**

While these behaviors may indicate drug use, they may also reflect normal teenage growing pains. By observing your child, getting to know his or her friends and talking to your child about problems, including drugs and alcohol, you should be able to learn whether he or she is involved in harmful activities.

Where can I find help for my child's drug problem?

Telephone hot lines are a good source for confidential advice. They can also refer you to additional resources in your community, such as adolescent drug treatment services or community mental health centers and out-patient hospital clinics that provide drug abuse counseling. Contact your state or local drug abuse authority for information on local resources. See listing of organizations at the end of this book for additional assistance.

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ALCOHOL, DRUGS AND THE LAW

Alcohol

Parents and their teenagers should be aware of the following state laws and local ordinances pertaining to the use of alcohol and drugs by minors.



A person who furnishes alcohol (such as at a home party) may be liable for monetary damages in a civil lawsuit. He or she can be sued by anyone suffering personal injury or property damage because of the actions of an intoxicated individual whose intoxication is the result of consuming alcohol provided by the party host. The host of the party would be committing an illegal act if he or she served liquor to a minor and may not be covered by his or her homeowner's liability insurance in the event of a lawsuit.

An owner, tenant or other person having control over any premises who knowingly allows a person under 21 to possess or consume alcohol at a social gathering may be criminally liable. A first offense is a misdemeanor that carries a penalty of up to 30 days in jail and/or a fine up to \$1,000; a second or subsequent offense is punishable by up to 90 days in jail and/or a fine up to \$1,000. A person taking appropriate corrective action may avoid criminal prosecution.

(See Guidelines for Hosting a Party)

It is a misdemeanor for anyone to knowingly sell or furnish alcohol to a person under 21 years of age, or to fail to make diligent inquiry as to whether a person is less than 21. Conviction will result in a fine of \$1,000 and may result in a penalty of 60 days in the county jail. The statute has been interpreted in court decisions to apply to both licensed sales and to unlicensed individuals who provide intoxicants to unrelated minors in a social setting.

A parent or homeowner who allows possession and/or consumption of alcohol or other controlled substances by anyone under the age of 21 may be subject to criminal prosecution and fines under the controlled substances act or the Liquor Control Act. Anyone aware of an event involving consumption of alcohol or use of controlled substances by minors may report it to the local police. A law enforcement officer will be sent to investigate, and appropriate action will be taken in accordance with applicable ordinances and state laws. The Excessive Noise or Disturbing the Peace ordinances also might be involved.

It is illegal for a person under the age of 21 to have alcohol in his or her possession, unless it is in the course of his or her employment.

It is unlawful for a minor to misrepresent his or her age or to use altered or borrowed identification in an attempt to purchase alcohol.

Legislation effective January 1, 1992, establishes misdemeanor penalties for anyone who rents a motel room or bed and breakfast room knowing that another individual or group will consume or possess alcohol in violation of the underage drinking law.

Drugs

It is unlawful for any person to knowingly possess or use marijuana. The use of marijuana is a misdemeanor which may result in a fine of up to \$100 and/or a jail sentence of up to 90 days. A person convicted of possession may also be ordered to participate in a substance abuse prevention program. Possession of marijuana is a misdemeanor that carries a penalty of up to 1 year in jail and/or a fine of up to \$2,000. It is a felony to deliver, manufacture, or possess with intent to deliver marijuana.



Depending on the amount of marijuana involved, a person may be imprisoned from 4 to 15 years and/or assessed a fine of not more than \$20,000 up to \$10,000,000.

Unlawful possession or delivery of most controlled substances (cocaine, narcotics, hallucinogens, amphetamines, and barbiturates) is a felony offense.

Driving Under the Influence of Alcohol or Drugs (OUIL, OUID, UBAC)

OUIL (operating under the influence of liquor)

OUID (operating under the influence of drugs)

UBAC (unlawful bodily alcohol content)

1st Offense: Misdemeanor

Punishable by a fine of not less than \$100 or more than \$500 and/or community service for not more than 45 days, and/or imprisonment for not more than 93 days. In addition, the driver's license will be suspended for not less than 6 months and not more than 2 years, with 6 points added to the driving record and vehicle subject to immobilization. A restricted license cannot be granted for the first 30 days.

2nd Offense (or any prior drunk driving conviction within 7 years): Misdemeanor

Punishable by a fine of not less than \$200 or more than \$1,000 and, either minimum community service of 30 days (up to 90 days) or jail for not less than 5 days with at least 48 consecutive hours (up to 1 year). In addition, the driver's license will be revoked for a minimum of 1 year with 6 points added to the driving record and vehicle subject to immobilization or forfeiture.

3rd Offense: Felony

Punishable by a fine of not less than \$500 or more than \$5,000 and either imprisonment of not less than 1 year or more than 5 years, or probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Driver's license will be revoked for 5 years with 6 points added to driving record and vehicle immobilization or forfeiture.

OWI (Operating While Impaired)

1st Offense: Misdemeanor

- Up to \$300 fine and/or
- Up to 93 days in jail and/or
- Up to 45 days of community service
- Driver's license restriction 90 days
- Possible vehicle immobilization up to 180 days
- 4 points on driver's record

2nd Offense (or any prior drunk driving conviction within 7 years): Misdemeanor

- \$200 to \$1,000 fine and
- 5 days to 1 year jail and/or
- 30 to 90 days of community service
- Driver's license revocation
- License plate confiscation
- Vehicle immobilization 90 to 180 days unless forfeited
- Possible vehicle forfeiture/immobilization
- 4 points

3rd Offense (or any 2 prior drunk driving convictions within 10 years): Felony

- \$500 to \$5,000 fine and either of the following:
- 1 to 5 years in prison or probation with 30 days to 1 year in jail and 60 to 180 days of community service
- Driver's license revocation 5 years
- License plate confiscation
- Registration denial
- Vehicle immobilization 1 to 3 years
- Possible vehicle forfeiture
- 4 points

Penalties for Repeat Offenders

In 1998 a twenty-bill package of legislation was enacted to address the problems of repeat drunk driving, and driving without a license. The "Repeat Offender" package established penalties that include vehicle forfeiture or immobilization, metal license plate confiscation, registration denial and the installation of an ignition interlock device. The crimes under the repeat offender statutes include:

- OUIL, OWI, or OUIL/OWI causing death or serious impairment of a bodily function; or repeat violations in any combination arising out of separate incidents.
- Driving while license suspended (DWLS).
- Driving while license suspended causing death (DWLS causing death).

- Knowingly allowing another person to drive while suspended.
- Knowingly allowing another person to drive while suspended causing death.
- Committing a drunk driving offense while another person who is less than 16 years of age is occupying the vehicle.

The following tables summarize the provisions of the new laws.

Criminal and Licensing Penalties (Alcohol Convictions)

	OUIL/OUID/UBAC	OWI	OUIL/OUID/UBAC/OWI	Zero Tolerance	Child Endangerment
First Offense	Misdemeanor \$100 to \$500 fine and/or Up to 93 days in jail and/or Up to 45 days community service Driver's license suspension 6 months (30 days suspended and 160 days restricted) Immobilization permitted up to 180 days 6 points on driving record	Misdemeanor Up to \$300 fine and/or Up to 93 days in jail and/or Up to 45 days community service 90 day licensing restriction Immobilization permitted up to 6 months 4 points on driver's record	Causing Death Felony Imprisonment up to 15 years and/or not less than \$2,500 or more than \$10,000 Driver's license revocation Plate confiscation Vehicle immobilization up to 180 days Possible vehicle forfeiture Causing Serious Injury Felony Imprisonment up to 5 years and/or \$1,000 - \$5,000 fine Driver's license revocation Plate confiscation Vehicle immobilization up to 180 days Possible vehicle forfeiture	Misdemeanor One or more of the following: Up to \$500 fine and/or Up to 60 days community service 30 day license restriction Imprisonment up to 93 days Possible vehicle immobilization	Misdemeanor \$200 - \$1,000 fine and one or more of the following: 5 days to 1 year jail 30 - 90 days community service 6 months licensing suspension/restriction 90 days suspension 90 days restriction Immobilization/forfeiture permitted up to 6 months
Second Offense or any alcohol convictions within 7 years	Misdemeanor \$200 to \$1,000 fine and/or 5 days to 1 year jail 30 - 90 days community service Minimum 1 year license revocation/denial Plate confiscation Vehicle immobilization required 90 - 180 days unless forfeited Possible vehicle forfeiture	Misdemeanor \$200 - \$1,000 fine and one or more of the following: 5 days to 1 year jail 30 - 90 days community service Minimum 1 year license revocation/denial Plate confiscation Vehicle immobilization required 3 to 6 months Possible vehicle forfeiture 4 points on driver's license		Misdemeanor \$200 - \$1,000 fine and one or more of the following: 90 days license suspension or 1 year revocation/denial Imprisonment 5 days - 1 year Community service 30 - 90 days Possible vehicle immobilization Possible vehicle forfeiture	Felony \$500 - \$5,000 fine and one of the following: 1 - 5 years prison probation with 30 days to 1 year jail and 2 - 6 months community service Minimum 1 year license revocation/denial License plate confiscation Immobilization required 3 to 6 months unless forfeited

Third Offense
or 2 prior
alcohol convic-
tions within 10
years

Felony
\$500 to \$5,000 fine and
one of the following:
1 - 5 years in prison; pro-
bation with 30 days to
1 year jail and 2 - 6
months community
service
License revocation 5 years
License plate confiscation
Vehicle immobilization 1 - 3
years
Possible vehicle forfeiture

Felony
\$500 - \$5,000 fine and
one of the following:
1 - 5 years in prison; or
probation with 30 days to
1 year jail and 2 - 6
months community
service
License revocation 5 years
License plate confiscation
Vehicle immobilization 1 - 3
years
Possible vehicle forfeiture
Registration denial

Minors Drinking and Driving

Any bodily alcohol content (BAC) is defined as “not less than .02 grams or more than .07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.”

This law allows for the consumption of intoxicating liquor as part of a generally recognized religious service or ceremony.

A person less than 21 years of age, whether licensed or not, shall not operate a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, if the person has any bodily alcohol content.

1st offense: Misdemeanor

Punishable by 2 points on the driver’s license; a driver’s license restriction for 30 days; and by 1 or both of the following:

- Community service for not more than 45 days.
- Fine of not more than \$250.

2nd offense: Misdemeanor

If a violation occurs within 7 years of 1 or more prior convictions, the person may be sentenced to 1 or more of the following:

- Community service for not more than 60 days.
- Fine of not more than \$500.
- Imprisonment for not more than 93 days.

Child Endangerment: Misdemeanor

A person less than 21 years of age who operates a motor vehicle with “any bodily alcohol content” while another person who is less than 16 years of age is occupying the vehicle is guilty of child endangerment and is punishable as follows:

- Imprisonment for up to 1 year and/or a fine of up to \$1,000.
- Community service for not more than 60 days.

If the violation occurs within 7 years of a prior conviction or within 10 years of 2 or more prior convictions, the person shall be fined between \$200 and \$1,000 and to 1 or more of the following:

- Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this imprisonment shall be served consecutively. This term shall not be suspended.
- Community service for not less than 30 days or more than 90 days.
- Vehicle immobilization unless vehicle is ordered forfeited.

Accident Causing Death: Felony

- \$2,500 to \$10,000 fine and/or
- Up to 15 years in prison
- Driver's license revocation
- License plate confiscation
- Vehicle immobilization up to 180 days
- Possible vehicle forfeiture

Accident Causing Long-Term Incapacitating Injury: Felony

- \$1,000 to \$5,000 fine and/or
- Up to 5 years prison
- Driver's license revocation
- License plate confiscation
- Vehicle immobilization up to 180 days
- Possible vehicle forfeiture

Implied Consent

In Michigan, any person who drives a motor vehicle on any public road or other place open to the general public or generally accessible to motor vehicles (including parking areas) and is stopped by a law enforcement officer, he or she may be asked to take some sobriety tests, including a Preliminary Breath Test (PBT) to determine whether the person is under the influence of alcohol.

If the person refuses to take the PBT, he or she will be charged with a civil infraction and fined up to \$100 plus court costs. Persons under 21 years of age will also have two points added to their driving record.

If the person is arrested, he or she will be required to take a chemical test to determine their bodily alcohol content (BAC) or the presence of another drug in their blood. Under Michigan's Implied Consent Law, the person is considered to have given his or her consent to this test.

If the person refuses to take this test, six points will be added to their driving record and their license will be suspended for six months. If he or she has previously refused to take the test, six points will be added to their driving record and their license will be suspended for one year.

If the person refuses to take this test, or if the test shows a .10 BAC or more, his or her driver's license will be confiscated and cut up by the law enforcement officer.

Insurance

The Michigan insurance statutes do not permit denial of coverage for individuals involved in accidents when the cause is related to the person's use of alcohol or drugs. However, insurance companies can refuse to renew a policy, can increase premium rates, or can exclude from further coverage a person convicted of driving under the influence.

Curfews

By state law, it is unlawful for a minor under the age of 12 years to loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 10:00 p.m. and 6:00 a.m., unless the minor is accompanied by a parent or guardian or an adult delegated by the parent or guardian to accompany the minor. The same restrictions apply to a minor under the age of 16 years between the hours of 12:00 midnight and 6:00 a.m., except where the minor is on an errand or other legitimate business directed by his or her parent or guardian.

It is a misdemeanor for anyone age 16 or over to assist, aid, allow, or encourage any minor to violate the above provisions.

Cities, villages, and townships may have ordinances with stricter curfew regulations that local law enforcement officials will enforce. You may wish to determine the curfew regulations in effect in your community and neighboring areas.

The following curfews are recommended for Friday and Saturday nights for planned activities, parties, and/or dates:

6th Grade	-	9:00 p.m.
7th & 8th Grade	-	10:00 p.m.
9th Grade	-	11:00 p.m.
10th Grade	-	11:30 p.m.
11th & 12th Grade	-	Midnight

Teenagers should be discouraged from going out on school nights, unless they are attending planned school or community functions. Teenagers attending scheduled activities should be expected home within a reasonable time after the event is over.

It is even more important for parents to set reasonable time limits for their middle and grade school children, to know where they are at all times and make sure appropriate transportation is provided when necessary.

G

GUIDELINES

Guidelines for Hosting a Party

1. A PARENT SHOULD BE AT HOME AND VISIBLE DURING THE PARTY. Many parties take place when parents are away from home. DO NOT PUT YOUR TEEN IN A VULNERABLE POSITION OF BEING TAKEN ADVANTAGE OF BY HIS OR HER FRIENDS BECAUSE HE OR SHE IS IN AN AVAILABLE, UNCHAPERONED HOME.
 - A parent can bring in snacks and non-alcoholic beverages. Not only will your presence help keep the party running smoothly, but it will also give you an opportunity to meet your teen's friends.
 - Invite other parents to help if your party is large.
2. **Do not offer alcohol to guests under the age of 21 or allow guests to use it or other drugs in your home.** You may be brought to court on criminal charges and/or have to pay monetary damages in a civil lawsuit if you furnish alcohol or drugs to minors.
 - Be alert to the signs of alcohol or drug use by teens.
 - Guests who try to bring in alcohol or drugs or who otherwise refuse to cooperate with your expectations should be asked to leave.
 - Notify the parents of any teen who arrives at the party drunk or under the influence of any drug to ensure that teen's safe transportation home. DO NOT LET ANYONE DRIVE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.
3. **If someone under 21 is unlawfully possessing or consuming alcohol or illegal drugs at a social gathering, take appropriate corrective action:**
 - Make a prompt demand that the minor leave or refrain from possessing or consuming alcohol or the illegal substance. Take additional action if the minor does not comply with your request.
 - Make a prompt report of the unlawful possession or consumption to the local police.
 - Make a report to someone with greater authority over the premises.

- 4. Set the ground rules with your teen before the party.**
 - This will give you both a good opportunity to express feelings and concerns.
 - Let your teen know what you expect.
- 5. Plan to have plenty of food and non-alcoholic beverages on hand.**
- 6. Plan activities for the party with your teen prior to the party.**
- 7. Be alert for alcohol and drugs hidden prior to the party for use during the party.**
- 8. Do not allow any guest who leaves the party to return.**
 - This will discourage teens from leaving to drink or use drugs and then returning to the party.
- 9. Limit party attendance and times.**
 - Know who is expected to attend. It is important to discourage crashers.
 - Avoid open-house parties. It is difficult for parents and teens to keep control over this kind of party.
 - Set time limits that enable teens to be home by the legal curfew.
- 10. Notify the police when planning a large party.**
 - This will help the police protect you, your guests, and your neighbors.
 - Discuss with the police an agreeable plan for guest parking.
- 11. Notify your neighbors that there will be a party.**
- 12. Other ideas:**
 - Get to know your children's friends and their parents. Keep in touch with them during your children's teen years.
 - Many parties occur spontaneously. Parents and teenagers should understand beforehand that the above guidelines are in effect at ALL parties.

- If, despite your precautions, things get out of hand, do not hesitate to call your local police department for help.

Guidelines for Parents When Their Children Attend a Party

1. Know where your teen will be.

- Obtain the address and phone number of the party-giver.
- Let your teen know that you expect a phone call if the location of the party is changed.

2. Contact the parents of the party-giver to:

- Verify the occasion.
- Be sure that a parent will be present.
- Be certain that alcohol and other drugs will not be permitted.

3. Be sure your teen knows when he or she is supposed to be home.

4. Know how your teen will get to and from the party.

- Assure your teen that you or a specific friend or neighbor can be called for a ride home. (Make sure your teen has the phone number.)
- Discuss with your teen the possible situations in which the teen might need to make such a call.

5. Be awake or have your teen awaken you when he or she arrives home. This is often a good sharing time.

6. If your teen stays overnight with a friend after a party, check with the parents of the friend beforehand to verify that:

- They want your teen to stay over.
- They will be home.
- You both agree on curfew hours and other basic house rules.



INFORMATION

For Further Assistance Contact...

Mothers Against Drunk Driving MADD/Michigan

910 East Lawn
Midland, MI 48640
(517) 631-MADD (6233)
1-800-732-6233

Student Leadership Services, Inc.

1200 W. Huron
Waterford, MI 48328
(248) 706-0757 (phone)
(248) 706-0750 (fax)

Drug-Free Workplace Helpline

12280 Wilkins Avenue
First Floor
Rockville, MD 20852
1-800-967-5752

National Council on Alcoholism and Drug Dependence of Michigan

913 W. Holmes Road, Suite 111
Lansing, MI 48910
1-800-344-3400

National Cocaine Hotline

164 W. 74th Street.
New York, NY 10023
1-800-COCAINE
(262-2463)

*The information in this publication is available,
upon request, in an alternative, accessible format.*
